

## REMARKS

This application has been carefully reviewed in light of the Office Action dated September 25, 2008. Claims 12 to 23 are in the application, with Claims 1 to 11 having been withdrawn pursuant to a restriction requirement. Claims 12 and 21 are the independent claims. Reconsideration and further examination are respectfully requested.

The Office Action maintains the restriction requirement, and additionally has made it "final". Applicant respectfully maintains the traversal of the restriction requirement, for the reasons stated in the Response To Restriction Requirement. Moreover, Applicant respectfully submits that the Office Action does not adequately respond to the traversal, as required by MPEP § 821.01. In particular, MPEP § 821.01 states that "the examiner should reply to the reasons or arguments advanced by applicant in the traverse." However, the Office Action simply restates language from the traversal, without providing any response or rationale for rejection of the traversal, or for maintaining the restriction requirement. Moreover, the Office Action now asserts that restriction is proper because the application is based on two Japanese applications and "contains multiple distinct species". Applicant respectfully submits that the mere presence of multiple priority applications does not necessarily lead to the conclusion that an application contains multiple distinct species. Moreover, a conclusory statement that the application "contains multiple distinct species" does not in and of itself provide a basis for restriction. Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that Claims 1 to 12 be examined on the merits.

Claims 22 and 23 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter, and in particular for being directed to programs per se. With

respect to Claim 22, the rejection is traversed. In particular, Claim 22 is directed to a computer readable recording medium, in accordance with the guidelines for statutory subject matter in MPEP § 2106.01. With respect to Claim 23, Claim 23 to has been amended to recite a "computer-executable program stored on a computer-readable medium", in accordance with the guidelines for statutory subject matter in MPEP § 2106.01. Withdrawal of the § 101 rejection is therefore respectfully requested.

Figure 17 was objected to for not being designated as "Prior Art". This objection is traversed. In particular, the specification describes Figure 17 as a view for explaining a conventional moving image dividing technique, but the specification does not necessarily describe Figure 17 itself as conventional. Accordingly, Figure 17 is not necessarily "Prior Art". Withdrawal of the objection is therefore respectfully requested.

The Abstract was objected to for having more than 150 words. This objection has been attended to by amendment as set out above. Withdrawal of the objection is therefore respectfully requested.

Claims 12 to 17 and 19 to 23 were rejected under 35 U.S.C. § 103(a) over Japan 8-163488 (Matsushita '488) in view of "Applicant Admitted Prior Art" (AAPA). Claim 18 has been rejected under § 103(a) over Matsushita '488 and AAPA in view of Japan 5-147337 (published as JP 7-023322, hereafter "Matsushita '322"). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention generally concerns dividing a moving image on the basis of a plurality of items of additional data which indicate states upon sensing the moving image.

According to one aspect of the invention, the additional data is added to the moving image, and is able to be read out for each item from the moving image.

According to another aspect of the invention, an item group formed of one or a plurality of items of additional data is defined, and division information corresponding to the item group is generated on the basis of the additional data of items which belong to the item group.

According to still another aspect of the invention, in a case that a plurality of division information are generated in correspondence with a plurality of item groups, the plurality of division information are hierarchized.

For example, in one example embodiment described in the specification, a moving image is divided into significant intervals based on appended information from the image sensing environment, such as information associated with aperture correction, gamma correction, or user setups. The intervals are divided into groups based on the type of appended information. The plurality of divisions can then be organized into a hierarchical structure for the user to browse, based on, for example, the number of intervals in each group, or predefined settings by the user.

Referring specifically to claim language, independent Claim 12 is directed to a moving image processing method for dividing a moving image on the basis of a plurality of items of additional data which indicate states upon sensing the moving image. The additional data is added to the moving image and is able to be read out for each item from the moving image. The method includes a generation step of defining an item group formed of one or a plurality of items selected from the plurality of items, and generating division information corresponding to the item group on the basis of the additional data of

the items which belong to the item group. The method also includes a hierarchization step of hierarchizing a plurality of division information generated for each item group, and of adding division positions based on division information of an upper layer to division positions of division information of a lower layer. The plurality of division information is hierarchized and the division positions are added in a case that the plurality of division information is generated in the generation step in correspondence with a plurality of item groups. In addition, the method includes a holding step of holding the division information obtained in the hierarchization step in correspondence with the moving image data.

Independent Claim 21 is directed to an apparatus substantially in accordance with the method of Claim 12.

The applied art is not seen to disclose or suggest the features of the present invention, and in particular is not seen to disclose or suggest at least the features of (i) dividing a moving image on the basis of a plurality of items of additional data which indicate states upon sensing the moving image, (ii) adding the additional information to the moving image such that the additional data is able to be read out for each item from the moving image, (iii) generating division information corresponding to an item group on the basis of the additional data of the items which belong to the item group, (iv) hierarchizing the plurality of division information generated for each item group, and (v) adding division positions based on division information of an upper layer to division positions of division information of a lower layer.

As understood by Applicant, Matsushita '488 is directed to creating a hierarchical structure of video in order to generate a digest. See Matsushita '488, paragraph [0006]. Matsushita '488 generates a plurality of shots by integrating a plurality

of frames, generates a plurality of clips by integrating a plurality of generated shots, and generates a plurality of scenes by integrating a plurality of generated clips. See Matsushita '488, paragraphs [0011] and [0020] to [0022].

Page 5 of the Office Action asserts that Matsushita '488 (paragraphs [0020] and [0023]) discloses dividing a continuous frame into a shot, and generating a hierarchical structure.

However, Matsushita '488 generates a hierarchical structure by integrating image data, rather than dividing image data. See Matsushita '488, paragraphs [0011] and [0020] to [0023]. While Matsushita '488 mentions "division", Matsushita '488 actually uses the term "divide" to denote integrating data into larger sections. For example, the language cited by the Office Action describes "dividing" a series of smaller frames into a larger shot. Accordingly, Matsushita '488 is not seen to disclose or suggest dividing a moving image, much less doing so on the basis of a plurality of items of additional data which indicate states upon sensing the moving image.

Since Matsushita '488 does not disclose dividing a moving image, it logically follows that Matsushita '488 also cannot disclose or suggest generating division information corresponding to the item group on the basis of the additional data of the items which belong to the item group, hierarchizing the plurality of division information generated for each item group, or adding division positions based on division information of an upper layer to division positions of division information of a lower layer.

Moreover, as best understood by Applicant, Matsushita '488 does not add information to a moving image such that the additional data is able to be read out for each item from the moving image, define item groups based on the additional information, or

generate division information corresponding to an item group on the basis of the additional data of the items which belong to the item group. Rather, Matsushita '488 simply discloses that a information concerning camera work or start/stop of recording is used in generating shots, and information concerning imaging time is used in generating scenes. See Matsushita '488, paragraphs [0020] to [0023].

Matsushita '322 has been reviewed and is not seen to remedy the above noted deficiencies of Matsushita '488.

Therefore, independent Claims 12 and 21 are believed to be in condition for allowance, and such action is respectfully requested.

The other claims in the application are each dependent from the independent claims discussed above and are therefore believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, the entire application is believed to be in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa,  
California office at (714) 540-8700. All correspondence should continue to be directed to  
our below-listed address.

Respectfully submitted,

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